APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,998	10/06/2000	Christopher Peiffer	1014-137US01	1970

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EXAMINER
OSMAN, RAMY M

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	09/680,998	PEIFFER ET AL.
Office Action Summary	**Examiner**	**Art Unit**
	Ramy M. Osman	2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 January 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,2,4-19,21-40 and 42</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,2,4-19,21-40 and 42</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>5/4/05</u>

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Status of Claims

1.   This communication is responsive to amendment filed on January 26, 2006, where

applicant amended claims 1,2,9-16,19,23-30,33-39,42. Claims 1,2,4-19,21-40,42 are pending.

Response to Arguments

2.   Applicant's arguments filed 1/26/2006 have been fully considered but are moot in view of

the new ground(s) of rejection.

Double Patenting

3.   The nonstatutory double patenting rejection is based on a judicially created doctrine
grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or
improper timewise extension of the "right to exclude" granted by a patent and to prevent possible
harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection
is appropriate where the conflicting claims are not identical, but at least one examined
application claim is not patentably distinct from the reference claim(s) because the examined
application claim is either anticipated by, or would have been obvious over, the reference
claim(s). See, e.g., *In re Berg,* 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re
Goodman,* 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi,* 759 F.2d 887, 225
USPQ 645 (Fed. Cir. 1985); *In re Van Ornum,* 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re
Vogel,* 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington,* 418 F.2d 528, 163
USPQ 644 (CCPA 1969).
        A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may
be used to overcome an actual or provisional rejection based on a nonstatutory double patenting
ground provided the conflicting application or patent either is shown to be commonly owned
with this application, or claims an invention made as a result of activities undertaken within the
scope of a joint research agreement.
        Effective January 1, 1994, a registered attorney or agent of record may sign a terminal
disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR
3.73(b).

4.   Claims 1,2,4-19,21-40,42 rejected on the ground of nonstatutory double patenting over

claims 1-82 of U. S. Patent No. 6,834,297 since the claims, if allowed, would improperly extend

the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is

covered by the patent since the patent and the application are claiming common subject matter,

as follows:

Claims 1,19,33 of the instant application are fully discloses in claims 1,30,47,52,57 of

Patent No 6,834,297, with similar limitations such as:

- receiving a user request for a web resource from a remote client,
the web resource containing renderable data and non-renderable data,
the request being received at a networking device positioned
intermediate the remote client and a web server on a computer network;
obtaining an original web resource corresponding to the requested
web resource;
- processing at least a portion of the original web resource to form a
size-optimized web resource having a smaller file size than the
original web resource, by removing at least a portion of the non-
renderable data from the web resource after it is received by the
networking device and before the web resource is sent to the remote
client,
- sending the size-optimized web resource to the remote client; and
- sending at least the portion of the original web resource that was
size-optimized to the remote client in an original, unmodified state.

Also, claims 2,10-18 of the instant application are fully discloses in claims 19,20,34-

39,75-82 of Patent No 6,834,297.

Furthermore, there is no apparent reason why applicant was prevented from presenting

claims corresponding to those of the instant application during prosecution of the application

which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968).

See also MPEP § 804.

5.   Claims 1,5-7 provisionally rejected on the ground of nonstatutory obviousness-type

double patenting as being unpatentable over claims 1-6 of copending Application No.

10/968,555. Although the conflicting claims are not identical, they are not patentably distinct

from each other because they have similar subject matter in the combination of claims, such as:

> transferring data over a computer network, wherein the computer
> network connects a web server to a browser executed by a remote
> client,
> a communication program being configured to receive a request for
> web page source data from the remote client,
> obtain the web page source data from the web server,
> compress the web page source data, and
> send the compressed web page source data to the remote client,
> wherein the web page source data is in HTML format.

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting

claims have not in fact been patented.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   **Claims 1,5-8,9,10,13,16-19,23,24,27,30-33,35,40 and 42 rejected under 35 U.S.C.**

103(a) as being unpatentable over Theriault et al (US Patent No 6,049,821) in view of

Jungck (US Patent No 6,728,785) in further view of Li (US Patent No 6,327,392).

8.   In reference to claims 1,19 and 33, Theriault teaches a method, a networking device and a

corresponding system for transferring web page source data between a web server and a remote

client over a computer network, the computer network including a wide area network, the method comprising:

receiving a request for the web page source data from the remote client at an acceleration device (column 7 lines 15-50 and figure 3);

obtaining original web page source data from the web server; identifying within the original web page source data renderable character data and non-renderable character data, the renderable character data being data that affects the presentation of the web page by a browser, and the non-renderable character data being data that does not affect the presentation of the web page by a browser, the original web page source data being in a markup language format (column 5 lines 10-40, column 15 lines 45-67, column 16 lines 1-33);

filtering at least a portion of the non-renderable character data by removing characters of the identified non-renderable character data from the requested web page source data, thereby creating modified web page source data (column 16 lines 1-33, column 17 lines 1-20); and

transmitting the modified web page source data to the remote client over the computer network (column 7 lines 15-50 and figure 3).

Theriault fails to explicitly teach wherein the acceleration device is a server-side acceleration device positioned on the computer network intermediate the remote client and the web server and intermediate the web server and the wide area network. However, Jungck teaches a data center (which is an acceleration device) in a reverse proxy configuration (which means server-side, intermediate the web server and the Internet) that compresses web files for the purpose of accelerating web transmissions to a work station (remote client) (column 2 lines 21-25, column 3 line 65 – column 4 line 12, column 6 lines 12-26 and figure 2).

It would have been obvious for one of ordinary skill in the art to modify Theriault by making the acceleration device a server-side acceleration device positioned on the computer network intermediate the remote client and the web server and intermediate the web server and the wide area network as per the teachings of Jungck for the purpose of accelerating web transmissions over the Internet to a work station.

Theriault fails to explicitly teach after transmitting the modified web page source data to the remote client, transmitting the original web page source data to the remote client including the characters that were removed. However, Li teaches transmitting a modified image file to a user and then if the user finds that the modified image file is satisfactory, transmitting the full image file to the user so that the user may obtain the full unmodified version of the file and analyze it to the users desire (column 4 lines 30-36 and column 5 lines 25-34).

It would have been obvious for one of ordinary skill in the art to modify Theriault by transmitting a modified page to a client, and transmitting the original page to the client in response to another request from the client for the original page as per the teachings of Li so that the user may obtain the full unmodified version of the file (page) and analyze it to the users desire.

In reference to claim 4, Theriault teaches the method and the networking device of claim 1, but fails to explicitly teach wherein the original web page source data is sent to the remote client in response to a subsequent request from the remote client for the original web page source data. However, Li teaches transmitting a modified image file to a user and then if the user finds that the modified image file is satisfactory, transmitting the full image file to the user so that the

user may obtain the full unmodified version of the file and analyze it to the users desire (column 4 lines 30-36 and column 5 lines 25-34).

It would have been obvious for one of ordinary skill in the art to modify Theriault by transmitting a modified page to a client, and transmitting the original page to the client in response to another request from the client for the original page as per the teachings of Li so that the user may obtain the full unmodified version of the file (page) and analyze it to the users desire.

9.   In reference to claim 6, Theriault in view of Jungck teach the method of claim 1, wherein the web server and the acceleration device are connected by a LAN (Jungck, column 6 lines 20-25).

10.   In reference to claim 7, Theriault teaches the method of claim 1, wherein the acceleration device and remote client are connected by a WAN (Theriault, figure 3).

11.   In reference to claim 8, Theriault in view of Jungck teach the method of claim 7, wherein the WAN is the Internet (Jungck, column 1 lines 25-30 and column 4 lines 24-26).

12.   In reference to claims 9 and 23, Theriault teaches the method and networking device of claims 1 and 19 respectively, wherein filtering at least a portion of the non-renderable character data from the original web page source data comprises removing character data compatible with the HTTP data transfer protocol from the original web page source data (column 16 lines 1-33, column 17 lines 1-20).

13.   In reference to claims 10 and 24, Theriault teaches the method and networking device of claims 9 and 23 respectively, wherein filtering at least a portion of the non-renderable character

data from the original source data comprises removing HTML data from the original web page source data (column 16 lines 1-33, column 17 lines 1-20).

14.   In reference to claims 13,27 and 35, Theriault teaches the method, networking device and system of claims 10,24 and 33 respectively, wherein filtering at least a portion of the non-renderable character data includes removing comments from the original web page source data (column 16 lines 20-34).

15.   In reference to claims 16 and 30, Theriault teaches method and networking device of claims 10 and 24 respectively, wherein filtering at least a portion of the non-renderable character data includes removing commands not interpretable by the remote client from the original web page source data (column 16 lines 1-33, column 17 lines 1-20).

16.   In reference to claims 17 and 31, Theriault teaches the method and networking device of claims 1 and 19 respectively, wherein the filtering and transmitting of the modified web page source data over the computer network to the remote client are performed in less time than the original web page source can be directly transmitted from the web server to the remote client (column 4 lines 5-6, column 5 lines 15-25).

17.   In reference to claims 18 and 32, Theriault teaches the method and networking device of claims 1 and 19 respectively, wherein the file size of the modified web page source data is smaller than the original web page source data (column 4 lines 5-6, column 5 lines 15-25).

18.   In reference to claims 40 and 42, Theriault teaches the system of claim 33, wherein the acceleration device is configured to cache the modified web page source data; and to compress the web resource in real-time before transmission to the remote client (Jungck, column 5 lines 20-45 and column 6 lines 10-30).

19.   Claims 2,5 and 39 rejected under 35 U.S.C. 103(a) as being unpatentable over Theriault et al (US Patent No 6,049,821) in view of Jungck (US Patent No 6,728,785) in further view of Li (US Patent No 6,327,392) in further view of Bodin et al (US Patent No 6,311,223).

20.   In reference to claims 2 and 39, Theriault teaches the method and system of claims 1 and 33, but fails to explicitly teach wherein filtering further includes filtering tags of the web page source data by identifying tags of the web page source data having one or more uppercase characters; and rewriting the identified tags of the web page source data to have the same characters but in lowercase. However, Bodin teaches tokenizing HTML tags to reduce the quantity of data in the file for effective transmission of HTML files (column 2 lines 29-35, column 4 lines 37-47, column 5 lines 30-45 & 59-67 and column 6 lines 20-33).

It would have been obvious for one of ordinary skill in the art to modify Theriault by filtering tags of the web page source data by rewriting tags of the web page source data in lowercase as per the teachings of Bodin so that the quantity of data in the file is reduced for effective transmission of HTML files.

21.   In reference to claim 5, Theriault teaches the method of claim 1. Theriault fails to explicitly teach claim 1 further comprising compressing the modified web page source data before sending it to the remote client. However, Bodin teaches compressing a tokenized (modified) HTML file and transmitting it to the user (column 6 lines 32-55).

It would have been obvious for one of ordinary skill in the art to modify Theriault by compressing the modified web page source data before sending it to the remote client as per the

teachings of Bodin so that the quantity of data in the file is reduced for effective transmission of

HTML files.

22.   **Claims 11,25 rejected under 35 U.S.C. 103(a) as being unpatentable over Theriault**

et al (US Patent No 6,449,658) in view of Jungck (US Patent No 6,728,785) in further of

Isaac et al (US Patent No 6,424,981).

23.   In reference to claims 11 and 25, Theriault teaches the method of claims 10 and 24

respectively, wherein filtering at least a portion of the non-renderable character data comprises

removing ASCII format data. "Official notice" is taken that ASCII is old and well-known in the

art, as taught by Isaac who teaches that HTML files contain ASCII characters from the original

web page source data (column 1 lines 20-50).

It would have been obvious for one of ordinary skill in the art to modify Theriault to

state that HTML documents are ASCII coded documents as per the teachings of Isaac because

this is a standard for HTML.

24.   **Claims 12,26,34,36 rejected under 35 U.S.C. 103(a) as being unpatentable over**

Theriault et al (US Patent No 6,049,821) in view of Jungck (US Patent No 6,728,785) in

further view of Li (US Patent No 6,327,392) in further view Hoffman et al (US Patent No

6,615,266).

25.   In reference to claims 12,26,34 and 36, Theriault teaches the method of claims 10,24 and

33 respectively, wherein filtering at least a portion of the non-renderable character data includes

removing white space. "Official notice" is taken that white space is old and well-known in the

art, as taught by Hoffman who teaches that whitespace characters are generally ignored in

HTML and does not effect presentation formatting (column 2 lines 10-40).

Therefore it would have been obvious for one of ordinary skill in the art to modify the

filtering of Theriault who filters at least a portion of the non-renderable character data by

removing characters of identified non-renderable character data from the requested web page

source data, thereby creating modified web page source data (Theriault, column 16 lines 1-33,

column 17 lines 1-20) by removing whitespace as per the teachings of Hoffman since whitespace

characters are generally ignored in HTML and does not effect presentation formatting.

26.   Claims 14,15,28,29,37 and 39 rejected under 35 U.S.C. 103(a) as being unpatentable

over Theriault et al (US Patent No 6,049,821) in view of Jungck (US Patent No 6,728,785) in

further view of Li (US Patent No 6,327,392) in further of Edlund et al (US Patent No

6,546,388).

27.   In reference to claims 14,28 and 37, Theriault teaches the method of claims 10,24 and

33, but fails to explicitly teach wherein filtering at least a portion of the non-renderable character

data includes meta tags from the original web page source data. "Official notice" is taken that

meta tags are old and well-known in the art as being HTML tags that describe some aspect of a

web page (via keywords) that can then be used by a search engine for indexing, and is taught by

Edlund (Abstract and column 2 lines 5-50).

It would have been obvious for one of ordinary skill in the art to modify Theriault by

stating that HTML includes meta tags as per the teachings of Edlund because HTML documents

include keywords to be used by search engines for indexing.

28.   In reference to claims 15,29 and 38, Theriault teaches the method of claims 10,24 and

33, but fails to explicitly teach wherein filtering at least a portion of the non-renderable character

data includes keywords configured to be interpreted by a search engine from the original web

page source data. "Official notice" is taken that meta tags are old and well-known in the art as

being HTML tags that describe some aspect of a web page (via keywords) that can then be used

by a search engine for indexing, and is taught by Edlund (Abstract and column 2 lines 5-50).

It would have been obvious for one of ordinary skill in the art to modify Theriault by

stating that HTML includes meta tags as per the teachings of Edlund because HTML documents

include keywords to be used by search engines for indexing.

29.   Claims 21-22 rejected under 35 U.S.C. 103(a) as being unpatentable over Theriault

et al (US Patent No 6,049,821) in view of Jungck (US Patent No 6,728,785) in further view

of Li (US Patent No 6,327,392) in further view of Burget (US Patent No 6,557,005).

Theriault teaches the method of claim 21 above, but fails to explicitly teach wherein the

method includes a network communications program logic stored on an ASIC. However, Burget

teaches a program for Internet communication stored on an ASIC, as a known medium of

storage.

It would have been obvious for one of ordinary skill in the art to modify Theriault to

make the communications program which performs the above method to be stored on an ASIC

as per the teachings of Burget as it is a known medium of storage in the art.

Conclusion

30.   The prior art made of record and not relied upon is considered pertinent to applicant's
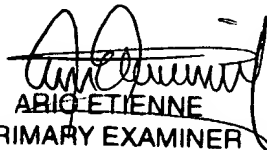
disclosure.

Patent No US006925595B1, Whitledge teaches content conversion of hypertext data.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008.

The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO
March 19, 2006

ARIO ETIENNE
PRIMARY EXAMINER